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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 09-00775 SBA
Plaintiff,) STIPULATION AND ORDER
v.) CONTINUING STATUS CONFERENCE
JUAN OCTAVIANO LOPEZ,) AND EXCLUDING TIME
aka Juan Octavio Lopez Ortiz,)
aka Juan Lopez Gomez,)
aka Manuel Vargas, and)
GLENDY GOMEZ,)
aka Glendy Elizabeth Gomez,)
Defendants.)

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Tuesday, September 13, 2011.

2. The parties request that this hearing be continued until 10 a.m. on Monday, October 24, 2011, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or

**STIPULATION AND ORDER RESCHEDULING
HEARING: EXCLUDING TIME**

file motions and to prepare for trial in this matter.

3. Specifically, counsel for defendant Gomez is in the process of scheduling an appointment to review the physical and electronic evidence in this matter. This review is necessary for effective preparation. In addition, counsel for defendant Lopez is presently investigating the validity of defendant Lopez's prior state felony narcotics conviction. The parties believe that failure to grant the above-requested continuance would deny defendants' counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

4. Thus, the parties respectfully request that the Court find that the time period from September 13, 2011, to October 24, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence, as well as continuity of counsel.

IT IS SO STIPULATED.

MELINDA HAAG
United States Attorney

Dated: September 12, 2011

/s/
GARTH HIRE
Assistant United States Attorney

Attorney for United States of America

Dated: September 12, 2011

/s/
LYNN KESLAR

Attorney for Defendant
Juan Octaviano Lopez

1 Dated: September 12, 2011

/s/
RANDALL KNOX

2 Attorney for Defendant
3 Glendy Gomez

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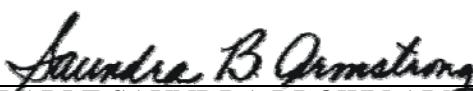
6 **ORDER**

7 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

8 1. The currently scheduled September 13, 2011, status conference hearing is
9 vacated. A status conference hearing is now scheduled for 10:00 a.m. on October 24, 2011.

10 2. The time period from September 13, 2011, to October 24, 2011, is deemed
11 excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance
12 granted by the Court at the defendants' request and on the basis of the Court's finding that the
13 ends of justice served by taking such action outweigh the best interest of the public and the
14 defendants in a speedy trial and because failure to grant the continuance would unreasonably
15 deny defense counsel the time necessary for effective preparation for trial, taking into account
16 due diligence, as well as continuity of counsel.

17 DATED: 9/12/11

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19 HONORABLE SAUNDRA BROWN ARMSTRONG
20 UNITED STATES DISTRICT JUDGE